

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**BRIAN MCHUGH,**

Plaintiff,

v.

**COMPASS GROUP USA, INC.,**

Defendant.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No.

Judge:

**NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT**

Defendant Compass Group USA, Inc. (“Compass”) files this Notice of Removal of Civil Action to Federal Court, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, to remove this matter from the Court of Common Pleas of Cuyahoga County, Ohio to the United States District Court for the Northern District of Ohio. In support, Compass states as follows:

1. The Complaint in *Brian McHugh v. Compass Group USA, Inc.*, Case No. CV-20-936630, was filed in the Court of Common Pleas of Cuyahoga County, Ohio on August 31, 2020. A true and accurate copy of the Complaint is attached as Exhibit A.
2. The Complaint and Summons were served on Compass on September 4, 2020. A true and accurate copy of the Summons is attached as Exhibit B, and a true and accurate copy of the state court docket and filings, showing the date of service, is attached as Exhibit C. There have been no other pleadings filed in the Court of Common Pleas of Cuyahoga County, Ohio in connection with this case. (*See* Exhibit C).
3. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), in that it is filed within thirty (30) days of receipt of the Complaint and Summons by Compass.

4. This is an action of a civil nature in which the district courts of the United States have been given original jurisdiction, in that the action arises under the laws of the United States and it invokes the federal question jurisdiction of this Court as provided in 28 U.S.C. §§ 1331 and 1441(a). Specifically, Plaintiff's action alleges Compass violated the "Family [and] Medical Leave Act of 1993, 29 U.S.C. Section 2601, *et seq.*" and "29 U.S.C. Section 2614(a)(1)[.]" (*See* Exhibit A, ¶¶ 76, 86). Because Plaintiff's action arises under the laws of the United States, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446.

5. Pursuant to 28 U.S.C. § 1391, venue is proper in the United States District Court for the Northern District of Ohio, insofar as the alleged events giving rise to claims in this case occurred in Cuyahoga County, Ohio, which is within this Court's jurisdiction.

6. As required by 28 U.S.C. § 1446(d), Compass will provide written notice of the filing of this Notice of Removal of Civil Action to Federal Court to Stephan I. Voudris and Brad Levine, counsel of record for Plaintiff, and will promptly file this Notice of Removal of Civil Action to Federal Court with the Clerk of the Cuyahoga County Court of Common Pleas. A true and accurate copy of the Notice of Filing Notice of Removal that Compass will file in the Cuyahoga County Court of Common Pleas is attached as Exhibit D.

Therefore, pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Compass removes this case from the Cuyahoga County Court of Common Pleas to this Court.

Respectfully submitted,

/s/ John W. Hofstetter

---

Amy Ryder Wentz (0081517)  
John W. Hofstetter (0087731)  
LITTLER MENDELSON, P.C.  
1100 Superior Avenue, 20th Floor  
Cleveland, OH 44114  
Telephone: 216.696.7600  
Facsimile: 216.696.2038  
[awentz@littler.com](mailto:awentz@littler.com)  
[jhofstetter@littler.com](mailto:jhofstetter@littler.com)

Attorneys for Defendant  
Compass Group USA, Inc.

**CERTIFICATE OF SERVICE**

I certify that on this 2nd day of October, 2020, a true and correct copy of the foregoing *Notice of Removal of Civil Action to Federal Court* was electronically filed using the Court's CM/ECF system, and was served via email upon counsel for Plaintiff.

/s/ John W. Hofstetter

John W. Hofstetter

One of the Attorneys for Defendant  
Compass Group USA, Inc.